

EXHIBIT C

Daniel T. Bueser - 10/23/2018

<p style="text-align: right;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA</p> <p>RYSTA LEONA SUSMAN,) CASE NO. 8:18-cv-00127 both individually and as) Legal Guardian of SHANE) ALLEN LOVELAND, et al.,) Plaintiffs,) v.) THE GOODYEAR TIRE & RUBBER) COMPANY,) Defendant.)</p> <p style="text-align: center;">Taken at: Holiday Inn 110 S. 2nd Avenue Kearney, NE Tuesday, October 23, 2018 Commencing at 2:19 p.m. TRANSCRIPT OF THE DEPOSITION OF DANIEL T. BUESER TAKEN ON BEHALF OF THE DEFENDANT</p> <p>For The Plaintiffs: APPEARANCES: Kyle W. Farrar KASTER, LYNCH, FARRAR & BALL, LLP 1010 Lamar, Suite 1600 Houston, TX 77002 (713) 221-8300 And Paul E. Godlewski SCHWEBEL, GOETZ & SIEBEN, P.A. 80 South 8th Center 5120 IDS Center Minneapolis, MN 55402 (612) 344-0327 For The Defendant: Edward S. Bott, Jr. GREENSFELDER HEMKER & GALE PC 10 South Broadway, Suite 2000 St. Louis, MO 63102 (314) 241-9090</p>	<p style="text-align: right;">3</p> <p style="text-align: center;">INDEX PAGE</p> <p>Appearances ----- 1,2</p> <p>Index ----- 3</p> <p>Stipulation ----- 4</p> <p>Reporter's Certificate ----- 5</p> <p style="text-align: center;">Direct Cross Redirect Recross</p> <p>WITNESS:</p> <p>Daniel T. Bueser 6 61 71 --</p> <p>EXHIBITS: Marked Offered Found</p> <p>1 Subpoena to produce 5 -- Appendix Documents (20 pages)</p> <p>2 Fixed Asset Item 5 -- Appendix For 2004 Chevy Pickup (1 page)</p> <p>3 Letter to Dandee Const. 5 -- Appendix From Greensfelder Attorneys (2 pages)</p> <p>4 Dandee Construction 5 -- Appendix Employee Manual and Safety Policy (53 pages)</p> <p>5 Subpoena 5 -- Appendix (6 pages)</p> <p>6 Amended Notice of 5 -- Appendix Deposition (6 pages)</p>
<p style="text-align: right;">2</p> <p>Court Reporter/ Sarah A. Becker Transcriber: CENTRAL NEBRASKA REPORTING INC. P.O. Box 308 Gothenburg, NE 69138-0308 (308) 325-7537</p>	<p style="text-align: right;">4</p> <p style="text-align: center;">STIPULATIONS</p> <p>IT IS STIPULATED AND AGREED by and between the parties thereto by their respective counsel of record that this sworn oral deposition of DANIEL T. BUESER may be taken before Sarah A. Becker, electronic reporter and General Notary Public in and for the State of Nebraska, at the time and place set forth on the title page hereof.</p> <p>IT IS STIPULATED that all objections, except as to form and foundation of the questions are reserved until the time of the trial.</p> <p>IT IS STIPULATED that the testimony may be transcribed out of the presence of the witness.</p>

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<p style="text-align: right;">13</p> <p>1 Q -- would handle most of your work? 2 A Would be Tony. 3 Q Do you know Tony's last name? 4 A No. 5 (Colloquy between parties off the record.) 6 Q (By Mr. Bott) So, we have -- to -- to get back 7 to what we were talking about, Tony would be the person 8 at Garrett Tires that you would -- you, your company, 9 would primarily deal with if vehicles were sent to 10 Garrett Tires for service? 11 A Right. 12 Q All right. What types of things would go to 13 Garrett Tires? What kind of service work? 14 A Well, any -- any flat tires or new tires would 15 be Garrett or -- or Kearney Towing. Kearney Towing also 16 did a lot of our tire repairs and stuff. Now, in the 17 last, what, two years or three years ago, we -- we bought 18 Kearney Towing's tire changer and so we do a lot of our 19 own tire repairs ourselves now. We did not until just a 20 couple of years ago. 21 Q So -- 22 A All tire- -- All tires were -- Any flats or 23 repairs or new tires were all outsourced to either 24 Garrett or Kearney Towing. 25 Q Okay. As of May 1, 2015, had Dandee done any</p>	<p style="text-align: right;">15</p> <p>1 steer loaders and two mini excavators. We did have a 2 backhoe. We had one dump truck. 3 Q Okay. Anything else you remember? 4 A Well, then we had -- we had a Ford boom truck 5 with a winch or a crane -- a small crane on it to set 6 power trowels and stuff. 7 Q That was -- And when you say -- 8 A I don't have that -- 9 Q -- then that was in May of -- 10 A I don't have that one anymore. I did -- At 11 that time, I had that blue Ford. It -- It was an old 12 telephone-pole-setting truck where it had a boom, you 13 could hold a telephone pole, and it had an auger to dig 14 the hole, and we used it to set power trowels in and out 15 of basements. 16 Q And -- And that -- that was a piece of 17 equipment you had back in May of 2015? 18 A Right. I -- I don't have that one anymore. 19 Q Okay. Let me stop for a minute and I'll -- 20 I'll -- one thing I should've said to you at the 21 beginning that I forgot is that if you and I talk over 22 one another, I mean we -- we do it all the time in our 23 every day life, right, but in this context it's kind of 24 hard for a court reporter to get it down accurately if 25 we're talking at the same time. So, I'm going to try --</p>
<p style="text-align: right;">14</p> <p>1 tire -- 2 A No. 3 Q -- repair of its own? 4 A No. 5 Q Okay. So, prior to May 1, 2015, any tire work 6 would've been outsourced -- 7 A Right. 8 Q -- to either Kearney or to Garrett Tire? 9 A Right. 10 Q All right. How many -- Well, what type of 11 equipment do you own in a company? And -- And, as an 12 example, what I'm talking about is we're -- we're here 13 dealing with this pickup truck. 14 A Uh-huh. 15 Q And I under- -- I assume you had other pickup 16 trucks. I don't know if you had other equipment -- 17 construction-related equipment or not. Can you just give 18 me an idea of what it was that you owned and used at your 19 work? 20 A Exactly how much we had then, I'm not sure, but 21 right now I think we have 22 tru- -- pickups or light 22 trucks. We have one big Western Star truck with a crane 23 on it for form delivery. 24 Q You said Western Star truck? 25 A It's a Western Star. And we have six skid</p>	<p style="text-align: right;">16</p> <p>1 A Okay. 2 Q I'm going to try to make sure I let you finish; 3 if you could try to let me finish my question, it might 4 flow a little better. Okay? 5 A Okay. 6 Q Thanks. All right. So, the -- the equipment 7 that you just detailed for me, with the exception of the 8 Ford boom truck, was it otherwise pretty much the same as 9 of May 1, 2015 as it is now? 10 A Yeah. 11 Q Okay. 12 A I mean, we've updated some trucks, you know, 13 got some more trucks and sold some of the old ones, but 14 basically the same. 15 Q All right. And with regard to the service work 16 on these trucks, again, other than the oil changes or 17 replacing the fuel pump or something simple, Dandee would 18 not do the service work, but you would send it out? 19 A It would go to Kearney Towing. 20 Q Okay. And again, the tire work on all of these 21 vehicles would again go to either Kearney or to Garrett? 22 A That -- Pretty much those two would be all of 23 it. Once in a while we might've used Graham, but very -- 24 Pretty much Kearney Towing because our old shop was right 25 across the street from Kearney Towing and so we'd just</p>

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<p style="text-align: right;">17</p> <p>1 walk across the road. And so Kearney Towing pretty much 2 had 100 percent of our business. 3 Q Okay. 4 A And when we moved down south to the new office 5 it stayed — pretty much stayed that way. 6 Q Do you have any mechanics that you employ? 7 A No. 8 Q Do you have any mechanical training? 9 A No. 10 Q Okay. So, let me try to -- to lay some -- some 11 background of kind of what brings us here today. Mr. 12 Bueser, I've got this Exhibit 1. This is the subpoena 13 that was sent to you back in September of 2018. Do you 14 -- Do you remember that? 15 A Vaguely, yeah. 16 Q Okay. And -- And then in -- I'll show you 17 that; I'm going to look at it also. 18 A Okay. 19 Q And if you go in one more page or so, or maybe 20 another page, you'll see that we -- Well, back one, I 21 think. We -- We asked that you produce like 12 or 13 22 different categories of documents -- 23 A Okay. 24 Q -- from the company. Do you recall that? 25 A Not really, but --</p>	<p style="text-align: right;">19</p> <p>1 effect as of May of 2015? 2 A Yes. 3 Q Okay. Is that the manual that would've been -- 4 Well, first, let me ask you, do you -- do you give that 5 manual to all of your new employees when they -- 6 A Yes. 7 Q -- are hired? 8 A We try and give these out to the new employees. 9 Q Okay. And do they have to sign for receipt of 10 them? 11 A No. 12 Q Okay. Does each employee -- new employee get a 13 copy of that? 14 A Yes. 15 Q Okay. And so would Mr. Susman and Mr. Summers 16 and Mr. Blair have received a copy of this -- 17 A They should've. 18 Q -- instruction -- 19 A I -- I couldn't -- I couldn't guarantee you 20 that they got one, but they should've had one or -- 21 Q Okay. 22 A -- had access to it. 23 Q All right. And so then after we received 24 Exhibits 2 and 4 in response to our first subpoena, my 25 assistant sent to your company, to the attention of</p>
<p style="text-align: right;">18</p> <p>1 Q Okay. The -- The documents that we received in 2 response to that subpoena -- This is Exhibit 2, it's 3 called a "Fixed Asset Item", which relates to the 2003 4 Chevrolet half-ton pickup that was involved in this 5 accident that we're talking about. 6 A Okay. 7 Q Can you just tell us what that document is? 8 A It just has the description "2003 Chevy half- 9 ton pickup". We bought it from Mollee's Motor Works. 10 Exactly -- Oh, it's got the purchase date here; 4/21 of 11 2006. 12 Q Okay. All right. And -- And then, also, what 13 you gave to us in -- in response to that first subpoena 14 is this exhibit that I've marked as No. 4. 15 A Okay. 16 Q Which is the Dandee Construction Employee 17 Manual. 18 A Okay. 19 Q Do you -- 20 A Okay. 21 Q And -- And can you identify that as, in fact, 22 the -- 23 A Yeah, this is our employee manual and safety 24 policy. 25 Q Was that the manual that would've been in</p>	<p style="text-align: right;">20</p> <p>1 Tammy, this letter that I've marked as Exhibit 3, asking 2 again if you had anything more other than these two 3 documents. Do you -- Do you recall seeing Exhibit 3 at 4 all? 5 A Yes. 6 Q Okay. And did you search at all for any more 7 documents after you got Exhibit 3? 8 A I had my secretary look on the computer to see 9 if she found any receipts or anything and she did not 10 find anything on the computer. I did not look in the 11 attic through the old receipts. I -- I could do that, 12 but I don't know if I'll find anything or not. 13 Q Okay. So, then we've got Exhibit 5 is the 14 subpoena that was more recently served on you to be here 15 for this deposition today. 16 A Okay. 17 Q Okay. So, I'll -- I'll show you that and -- 18 A Okay. 19 Q -- you've -- you've seen that, I assume? 20 A Yes, that one I got here. 21 Q Okay. And again, attached to that is a list of 22 various things that we asked that you produce. It's 23 essentially identical to the first subpoena. 24 A Okay. 25 Q But -- And then Exhibit 6 is my notice for the</p>

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<p style="text-align: right;">45</p> <p>1 did the pre-shift inspection, found the tires were low on 2 inflation pressure and needed to add air to it, would 3 that employee do it or would they ask somebody like Mr. 4 Underwood to do it? 5 A No, the employee would do it. 6 Q Yeah. Do you -- As you sit here today, do you 7 know what inflation pressure these particular tires were 8 to be inflated to? 9 A I do not. I think they were 65 but I wouldn't 10 guarantee that. 11 Q Okay. And why do you think 65? 12 A That's what they -- I don't know. I just -- 13 They got a lot of different tires and they all take 14 different pressure, but I was thinking those were 65. 15 Q Okay. But whether that -- whether that 16 understanding comes from the placard or comes from the 17 tire itself, you -- you really don't know? 18 A Don't know. 19 Q Okay. So, we saw from one of these exhibits 20 that these -- the vehicle was purchased on April 21, 21 2006? 22 A Right. 23 Q And I think it indicates that it had -- Well, 24 it doesn't state it here but I think in, again, notes of 25 -- of another file document I think from Farm Bureau, I</p>	<p style="text-align: right;">47</p> <p>1 A Yes, heated. 2 Q Okay. And from the time that this pickup truck 3 was purchased in April 21, 2006, up until the time of 4 this accident on May 1, 2015, was it used solely in the 5 business of Dandee Construction Company? 6 A Yes. 7 Q Do you have any knowledge of where the vehicle 8 was stored after the accident? 9 A No. 10 Q Do you know who took custody of the vehicle 11 after the accident? 12 A I think the insurance company. 13 Q Do you know if the tires remained on the 14 vehicle after the accident? 15 A That I don't know. 16 Q Do you recall when Mr. Blair started working 17 for you? 18 A Not exactly, but he worked for me, I believe, 19 for three years. 20 Q His last day would've been May 1, 2015? 21 A Would've been the day of the accident. 22 Q Okay. 23 A He -- He did -- He did come back to work after 24 the accident for several months. 25 Q Okay. Do you know how long he was off work</p>
<p style="text-align: right;">46</p> <p>1 think it was indicated that it had about 90,000 miles on 2 it when -- 3 A That's about right. 4 Q -- when you bought it? 5 A Yeah. 6 Q Do you know who you bought it from? 7 A From Mollee's. 8 Q Oh, that's right. I'm sorry. And do you know 9 how many miles were on it at the time of the accident? 10 A That I do not know. 11 Q The warehouse at Dandee Construction, is it 12 fully enclosed? 13 A Yes. 14 Q So, during the summer time, are -- are the 15 pickup trucks, and specifically this pickup truck that 16 we're talking about, it is stored when not in use 17 inside -- 18 A Right. 19 Q -- that building? 20 A Yes. 21 Q All right. Even during the winter time and -- 22 A Right. 23 Q -- summer time? Okay. 24 A Yep. 25 Q And is it heated and cooled?</p>	<p style="text-align: right;">48</p> <p>1 because of the accident? 2 A I could look at my diary and find out, but I 3 think it was four or five months. 4 Q So, he was off for a period of time after the 5 accident and then he came back maybe -- 6 A He came back and worked for a while. 7 Q Okay. Do you know how long he worked for you 8 then after that? 9 A I'm going to guess four or five months. 10 Q Okay. And why did he stop working for you? 11 A I let him go because his attendance was very 12 erratic, and I gave him warning that he had to be there 13 every day on time and he was not. 14 Q Had his performance been erratic before May 1, 15 2015? 16 A It was -- It wasn't too bad before, but after 17 the accident it was terrible. 18 Q So, there were some instances of erratic 19 behavior before May 1, 2015, but then it worsened after 20 May 1? 21 A Yeah, after the accident he seemed to have too 22 many problems that kept him from coming to work. 23 Q All right. And -- And if you're not able to 24 tell me that, that's fine, please don't, but do you know 25 what problems he was having?</p>

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C E R T I F I C A T E

STATE OF NEBRASKA)

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COUNTY OF DAWSON)

I, Pamela S. Buddenberg, electronic reporter,
do hereby certify the above and foregoing transcription
was taken at the time and place as set forth on the title
page hereof, before me, an electronic recorder, later
transcribed, and is a true and correct extension hereof;

That the witness was by me, Pamela S.
Buddenberg, General Notary Public, first duly examined,
cautioned and solemnly sworn to testify to the truth, the
whole truth, and nothing but the truth;

I further certify that I am not a relative,
attorney, or counsel of any of the parties hereto, nor
otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal at Gothenburg, Nebraska this 1st day
of November, 2018.

Pamela S. Buddenberg
Pamela S. Buddenberg
Notary Public

